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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/028,256	12/21/2001	Thomas N. Turba	RA5447 (33012/335/101)	2316

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UNISYS CORPORATION
MS 4773
PO BOX 64942
ST. PAUL, MN 55164-0942

EXAMINER

ABEL JALIL, NEVEEN

ART UNIT	PAPER NUMBER
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2165

DATE MAILED: 01/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/028,256

Applicant(s)

TURBA ET AL.

Examiner

Neveen Abel-Jalil

Art Unit

2165

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


SAM RIMELL
PRIMARY EXAMINER

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Remarks

1. The amendment filed on August 23, 2004 has been received and entered. Claims 21-25 are newly added. Therefore, claims 1-25 are now pending.
2. Amendment to the title and specification has been received and acknowledged.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Ims et al. (U.S. Pub. No. 2002/0091533 A1).

As to claim 1, Ims et al. discloses an a data processing system including a legacy data base management system having a command language coupled to a publically accessible digital data communication network, the improvement comprising:

a. a user terminal coupled to said legacy data base management system via said publically accessible digital data communication network (See page 11, paragraph 0097, also see page 7, paragraph 0070, also see page 4, paragraphs 0051-0054);

b. an input definition facility which defines the input coming into an XML service and can load a sample XML document for said XML service to said legacy data base management system for honoring (See page 4, paragraphs 0051-0054, also see pages 10-11, paragraphs 0095-0096, also see page 7, paragraph 0072, also see page 4, paragraphs 0051-0054).

As to claims 2, 8, 13, and 19, Ims et al. discloses wherein said XML service further comprises a plurality of variables (See page 7, paragraph 0070, also see pages 10-11, paragraphs 0096-0097).

As to claims 3, 14, and 20, Ims et al. discloses wherein said XML service further comprises a plurality of tables (See page 7, paragraph 0070, also see pages 10-11, paragraphs 0096-0097).

As to claims 4, and 15, Ims et al. discloses wherein said XML service further comprises executable script (See pages 10-11, paragraph 0096).

As to claims 5, and 10, Ims et al. discloses wherein said publically accessible digital data communication network further comprises the Internet (See page 5, paragraph 0059).

As to claim 6, Ims et al. discloses an apparatus comprising:

- a. a publically accessible digital data communication network (See page 11, paragraph 0097, also see page 7, paragraph 0070, also see page 4, paragraphs 0051-0054);
- b. a data base management system having an internal format different from XML responsively coupled to said publically accessible digital data communication network request (See page 11, paragraph 0097, also see page 7, paragraph 0070, also see page 4, paragraphs 0051-0054);
- c. a facility which generates an input service (See page 7, paragraph 0072, also see page 4, paragraphs 0051-0054); and
- d. a converter which translates said input service into said internal format and presents said translated input service to said data base management system (See page 4, paragraphs 0051-0054, also see pages 10-11, paragraphs 0095-0096).

As to claims 7, and 18, Ims et al. discloses wherein said input service further comprises an XML input service (See page 6, paragraphs 0065-0066, also see pages 10-11, paragraphs 0095-0097).

As to claim 9, Ims et al. discloses wherein said facility further comprises a plurality of sample XML messages (See page 11, paragraph 0097, also see page 7, paragraph 0070).

As to claim 11, Ims et al. discloses a method of supplying an input service to a legacy data base management system having an internal format comprising:

- a. retrieving a sample document from a repository of said legacy data base management system (See page 11, paragraph 0097, also see page 7, paragraph 0070, also see page 4, paragraphs 0051-0054);
- b. editing said document into a desired input service request (See page 12, paragraph 102, also see page 7, paragraph 0070);
- c. converting said desired input service into said internal format; and presenting said converted desired input service to said legacy data base management system for honoring See page 6, paragraphs 0065-0066, also see pages 10-11, paragraphs 0095-0097).

As to claim 12, Ims et al. discloses wherein said sample document further comprises an XML document (See page 7, paragraph 0070, also see pages 10-11, paragraphs 0096-0097).

As to claim 16, Ims et al. discloses an apparatus comprising:

- a. means for storing a sample input service (See page 10, paragraphs 0090-0091, also see page 7, paragraph 0070);
- b. means responsively coupled to said storing means for retrieving said sample input service (See page 6, paragraph 0065, also see pages 7-8, paragraph 0072, also see page 12, paragraph 0102);
- c. means responsively coupled to said retrieving means for editing said sample input service into a desired input service (See pages 10-11, paragraphs 0096-0097);
- d. means for providing legacy data processing management services (See page 5, paragraphs 0059-0060); and

e. means responsively coupled to said editing means and said providing means for transferring said desired input from said editing means to said providing means (See page 12, paragraph 102, also see page 7, paragraph 0070).

As to claim 17, Ims et al. discloses wherein said storing means further comprises a repository (See page 12, paragraph 102, also see page 7, paragraph 0070).

As to claim 21, Ims et al. discloses an apparatus for communicating within a data processing environment comprising:

a. a user terminal which transfers an XML message and receives a corresponding data processing response (See page 6, paragraphs 0065-0067);

b. a converter which converts said XML message into a data processing service request including an ordered sequence of native command language statements and a plurality of input parameters (See pages 10-11, paragraphs 0096-0097); and

c. a legacy database management system responsively coupled to said user terminal via a publicly accessible digital data communication network which honors said data processing service request by executing said ordered sequence of native command language statements and utilizing said plurality of input parameters and generating said corresponding data processing response (See page 8, paragraphs 0074-0075, also see page 5, paragraphs 0059-0060).

As to claim 22, Ims et al. discloses wherein said legacy database management system further comprises a mainframe computer (See page 4, paragraphs 0051-0054).

As to claim 23, Ims et al. discloses wherein said user terminal further comprises an industry standard personal computer (See page 4, paragraph 0050).

As to claim 24, Ims et al. discloses wherein said legacy database management system further comprises a repository for storage of said ordered sequence of statements of said native command language prior to execution (See pages 10-11, paragraphs 0095-0097).

As to claim 25, Ims et al. discloses wherein said corresponding data processing response further comprises an XML message (See page 7, paragraph 0070, also see pages 10-11, paragraphs 0096-0097).

Response to Arguments

5. Applicant's arguments with respect to claims 1-25 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Neveen Abel-Jalil whose telephone number is 571-272-4074. The examiner can normally be reached on 8:30AM-5: 30PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici can be reached on 571-272-4038. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Neveen Abel-Jalil
January 12, 2005



SAM RIMELL
PRIMARY EXAMINER